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UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ALASKA
AT ANCHORAGE

YUKON DELTA FISHERIES DEVELOPMENT)	
ASSOCIATION, et al.,)	
)	
Plaintiffs,)	Cause No. A05-245 CV (JKS)
)	
v.)	
)	
NATIONAL MARINE FISHERIES SERVICE,)	
et al.,)	
)	
Defendants.)	

DECLARATION OF Michael A. Sturtevant

I, Michael A. Sturtevant, declare as follows:

1. I have been employed as a loan specialist for the National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration from October, 1999 to the present time.
2. As part of the duties associated with my position at NMFS, I was one of the employees responsible for developing the fishing capacity reduction (buyback) program for the Bering Sea and Aleutian Islands ("BSAI") crab fisheries. As part of NMFS' management of the BSAI crab fisheries, we implemented a buyback program whereby participants voluntarily relinquished

certain crab fishing licenses in exchange for payment. A loan, to be repaid by remaining fishing license holders, funded the buyback through fees paid when crab is sold. On September 16, 2005, we published regulations at 70 FR 54652 providing that the cost of the loan funding the buyback would be repaid by assessing fees on all crab harvested in the BSAI crab fisheries, including crab harvested by Community Development Quota (CDQ) groups. The fees are withheld when the crab is sold, and the crab buyer remits the funds to the federal government.

3. On May 10, 2006, by a final rule published at 71 FR 27209, we amended our regulations, exempting CDQ groups from payment of the fees at issue, providing for the repayment of any such fees already collected, and ensuring that the future fees are calculated accordingly. All fees collected associated with CDQ groups were refunded to the crab buyers by July 11, 2006 except for one fish buyer where there are outstanding issues regarding late fees on non-CDQ group crab sales. The refunds for these fees will be processed on September 15, 2006.

4. This declaration is made pursuant to 28 U.S.C. Section 1746. I declare under penalty of perjury that the foregoing statements are true and correct to the best of my current knowledge.



Executed in SILVER SPRING, Maryland, on this 14TH day September 2006